Records Management: Ensuring Electronic Preservation in a Changing Environment

2008 Data Protection Seminar
TMA Privacy Office

Purpose

★ Provide guidance on the laws and regulations that govern TRICARE Management Activity (TMA) records

★ Provide specific examples of policies and procedures that are both protective and compliant when handling TMA records

Objectives

★ This presentation will:

- Demonstrate Records Management concepts

- Explain what constitutes a TMA record

- Demonstrate benefits and drawbacks of electronic records

- Explain e-mail records

- Explain the Electronic Records Management (ERM) Project

- Understand the impact of record freezes

Records Management
Why Manage Records?

★ Ensure legal, regulatory, and statutory compliance

★ Increase security, reducing the risk of compromising not necessarily older data

★ Cost savings through decreased need for server space and file cabinets

★ Provide best business practices and beneficiary services

Records Management

★ Records Management is a staff function, not "office services," and cuts across organizational lines

★ Information should be treated as a resource, just like personnel, facilities, and money

★ Manage records through their "life cycle"

★ Paperwork and electronic **processes**, not just "media," need to be managed

★ A Records Management program should be **continuous**, not a one-time action

★ Records Management should never become an administrative "burden"

What is a Record?

★ "Records include all books, papers, maps, photographs, machine readable materials, or other documentary materials, **regardless of physical form or characteristics**, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of Government or because of the informational value of data in them." 44 U.S.C. Sec. 3301

In other words, any information <u>in any media</u> created or received while fulfilling the duties of your position, or conducting official business, except reference materials

What is NOT a Record?

★ Material that does not meet the statutory definition of records may include:

- Technical reference materials

- Catalogs, trade journals, manuals

- Extra copies

- Blank forms

- Some electronic information

Records Management
Regulations

★ 36 CFR 1234 and 1228.270, Office of Management and Budget (OMB), U.S. General Services Administration (GSA), etc.:

- Assign responsibility

- Integrate with other records and information management

- Procedures

- Training

- Documentation

- Keep track of electronic records

- Schedule for disposal

- Security

What is an Electronic Record?

★ Can be anything paper can be ... and more

- Video, sound, image files

★ "Compound documents" (e.g., linked documents)

- Web based documents

★ Basic components

- The record/data

- Metadata

- Documentation

Benefits and Drawbacks

★ Benefits

- Sort data easily and quickly
- Easily access existing relational data
- Modify files with ease
- Disseminate information to many locations rapidly
- Requires little space
- More functions than paper

★ Drawbacks

- Opportunity for fraud and compromise
- Dependence on hardware/software
- Lack of documentation for legacy systems
- Ad hoc disposal
- Personal filing systems

Backup Tapes

★ Backup tapes and discs are for Disaster Recovery, **NOT** recordkeeping

- They do not have the features specified in 36 CFR 1234.24, paragraph (c) and should **NOT** be used for recordkeeping purposes
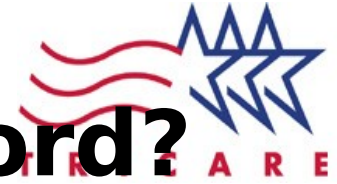
What is an E-mail Record?

★ 36 CFR 1234.2

★ Definition:

- Message that is created or received on an e-mail system, including envelope data, notes, and attachments

Is My E-mail a Federal Record?

★ Yes, except when an email is:

- Truly personal in content and use

- An extra copy

- Only required to be acted upon by another office

DoD E-mail Policy

★ Memo Re-issued May 22, 2005

- Electronic Mail Records and Electronic Mail Retention Policies for DoD, by Linton Wells II, Acting Assistant Secretary of Defense for Networks and Information Integration/DoD Chief Information Officer

★ Print and File

- Currently, TMA's policy is to **print record e-mail messages and file them in the appropriate case or subject folder**

DoD E-mail Policy (continued)

★ Documents of short-term interest or value

- All **non-record** e-mail should be deleted within 180 days

★ Approved Electronic Records Management (ERM) software – DoD Directive 5015.2, "DoD Records Management Program," March 6, 2000

- Record e-mail should be saved to an approved recordkeeping system

Can I Delete E-mail?

★ Ask your Records Custodian:

- Do I have authority from NARA to delete e-mail?

- What is the agency e-mail policy: keeping copies electronically or in paper files?

- How does the agency capture the whole e-mail record the transmission data as well as the content of the message?

Points to Remember

★ E-mail Records:

- Determine whether the e-mail meets the legal definition of a record

- Should contain essential transmission, receipt data, and attachments (metadata)

- When e-mail is retained as a record, the periods of its retention are governed by Administrative Instruction 15

- Delete non-record e-mail (short term records that have a retention of 180 days or less)

Note: Messages from PDAs are treated the same as e-mail

Records Management
E-mail File Station Pilot

★ Pilots evaluate the use of existing platforms and applications to manage e-mail and other electronic records

★ User-friendly and supported approach

★ Declaring and filing e-mail records

★ Driven by digitally signed e-mail

★ 8-week evaluation period

18

E-mail File Station Pilot (continued)
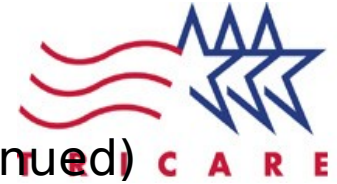
★ Located within the public folder

★ Access to e-mail is controlled

★ Sensitive government e-mail is separated

★ Organized by Administrative Instruction 15

Records Management
Sample of E-mail File Station
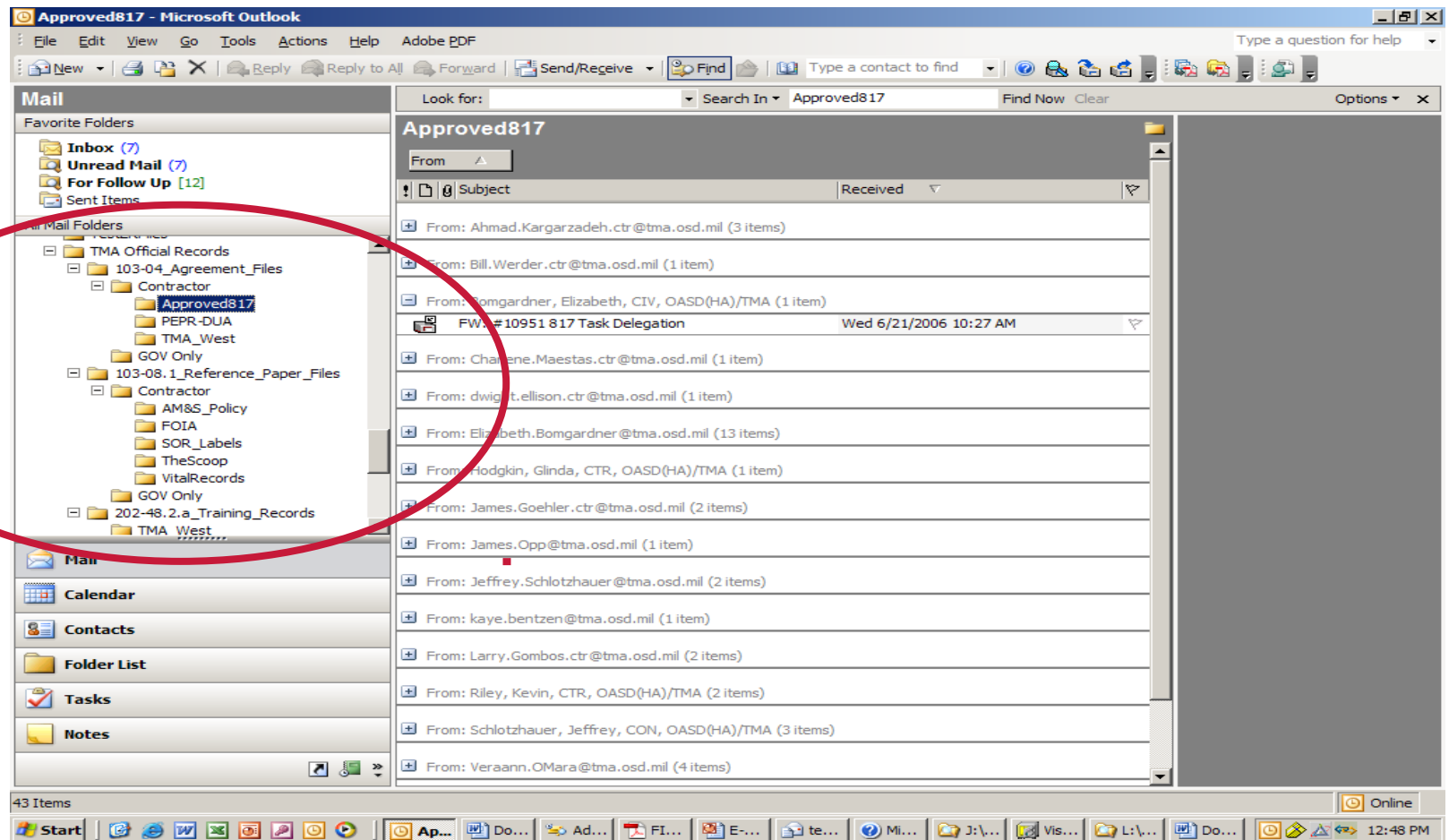
The ERM Project

★ TMA Electronic Records Management (ERM) Project

- A multi-year phased project to bring thorough and consistent management of electronic records to the agency

- Training and inventory control is a necessary part of the ERM Project to ensure legal, regulatory, and statutory requirements

Benefits of the ERM Project

★ Reduced risk of data compromise

- Managed records are more secure

- Recent data compromises may have been mitigated by following a comprehensive Records Management program

★ Management of electronic records reduces legal exposure and vulnerability

★ Legal discovery is costly and burdensome

★ Sound electronic Records Management provides superior beneficiary services

- Access to information

- Secured beneficiary information

System Inventories

★ Why AHLTA, Composite Heath Care System, and the Clinical Information System?

- Top systems with the most visibility

- Most challenging to schedule with the National Archives and Records Administration (NARA)

- Allows Washington Headquarters Services (WHS) and the RM Team to gain an understanding of the data in the Information Management, Technology & Reengineering (IMT&R) Systems

- May eliminate duplication of other systems

Temporary Records Portal

★ Temporary Records Information Portal (TRIP)

- Partnership between TMA and NARA

- Transferring electronic records to NARA

- Compliant with DoD 5015.2 Regulation

- Sensitive data protocols implemented

What is a Freeze?

★ Any action or event that will prevent the destruction of records

- Litigation

- Updating a records control schedule

- Re-processing or re-engineering

- Disasters

Freezes on Destruction

★ **Records** that could have been destroyed prior to the freeze **must now be retained**

  • If you did not follow the records schedule and still have records on hand, you **cannot destroy them** until all issues have been resolved

★ Until absolutely certain of the scope of the freeze, you must keep all **non-record** materials

  • Reference material

  • Office copies

  • Backup tapes

  • All pertinent e-mail messages

Records Management
TMA Privacy Office Website

Summary

★ You now can:

- Discuss Records Management concepts

- Determine what constitutes a TMA record

- Discuss benefits and drawbacks of electronic records

- Recognize e-mail records

- Explain the Electronic Records Management (ERM) Project

- Understand the impact of record freezes